



COMPLAINTS POLICY

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INTRODUCTION

The Hart Schools Trust (HST) is keen to offer the best possible service to all students, parents, employers, visitors and members of the community. We encourage open discussion and feedback but if any member of the school community has a concern or complaint, then we will adopt a restorative approach to resolve the issue.

Part 7 of The Education (Independent School Standards (England) Regulations 2014 details the requirements for the manner in which complaints are handled. This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any academy within the trust.
- Any LGB of the trust.
- Individual trustees or the board of trustees.
- The trust as a whole.

Individuals making complaints about issues relating to separate statutory procedures will be referred, as per the table on page 12 of this policy.

All other complaints will be directed towards the procedures laid out in this policy.

PHASE 1 – DEALING WITH CONCERNS

Many concerns can be resolved by simple clarification or by providing or better communicating information and we expect that most complaints will be resolved by this informal stage. At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

If this is not possible, however, the member of staff will assist the person who expresses a concern (the complainant) by providing them with the details for the member of staff who is the next level of escalation. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is the most important factor.

Informal discussions can usually result in a satisfactory outcome; staff will always aim to respond to an email or message within two working days and complete informal investigations within one week. In line with ESFA guidance, complainants should note that any acknowledgement by the trust that it could have handled the situation better is not an admission of unlawful or negligent action.

If the concern cannot be resolved informally, it may need to be escalated.

PHASE 2 - MAKING A FORMAL COMPLAINT

The HST has defined a formal complaint as '*any expression of dissatisfaction that requires a response, which has not yet been satisfactorily resolved*'. This definition will apply across all HST schools.

General Principles

- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- Complaints received outside of term time will be treated as being received on the first school day after the holiday period.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event being complained of will not be considered.
- This complaints procedure should cover all complaints about any provision of facilities or services that a HST academy provides with exceptions listed in the appendix on page 9, for which there are separate (statutory) procedures.
- If multiple complaints are received about the same issue, the Trust reserves the right to send a template response to all complainants, or publish a single response on the school's website. See page 11 for further clarification.

Lodging a Complaint

If an individual remains dissatisfied after raising a concern informally, they are entitled to raise a formal complaint. This can be done via email to the Head teacher or Head teacher's PA, or as a letter submitted to the school office.

Roebuck Academy: admin@roebuck.herts.sch.uk/ kinsellav@tas.herts.sch.uk

Thomas Alleyne Academy head@tas.herts.sch.uk/ andrewsa@tas.herts.sch.uk

Note: If the formal complaint is against the Head teacher or CEO of the Trust, the complainant should email the HST Company Secretary **Robert Dale** rdale@nhc.ac.uk c/o North Hertfordshire College, Hitchin Campus, Cambridge Road, Hitchin SG4 0JD.

Where a complaint is made initially to a trustee, the complainant will be referred to the appropriate person. No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Requirement For a Written Submission

If there is a reason why the complainant cannot provide a written complaint, they should call the main academy telephone number and speak to the Head teacher's PA. If a complainant is unable to submit their complaint in writing, the School will ensure that the issues being complained about and the outcomes being requested are documented in writing. The School may do this in either of the following ways:

- Invite the complainant to a meeting with the Head teacher or Chair of Governors (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the School will retain the original copy for the purpose of investigating the complaint(s).

- Signpost the complainant to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

Timescales

Stage two of the process will be completed within 15 school days. The complainant will receive a written acknowledgement from the school confirming receipt of their complaint within 5 days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

THE HEAD TEACHER'S RESPONSIBILITIES

The head teacher will acknowledge a complaint in writing within 5 days of receipt. In some cases, the Head teacher will have already been involved in looking at the matter; in others it will be their first involvement.

The complainant may choose someone else to complain on their behalf (e.g. a friend, parent or guardian). Complainants are advised to retain their own records, copies of their complaint forms and any documents which they feel substantiate their complaint.

The Head teacher may arrange a meeting to discuss the complaint further and gather any additional information. The complainant may bring a friend to this discussion.

If the complaint is against a member of staff, the Head teacher will ask the Deputy Head teacher to act as investigating officer. If it seems that there is a case for a disciplinary investigation, this will take place and the complaints process be suspended. If not, the Head teacher will talk to the staff member against whom the complaint has been made.

If necessary, the Head teacher, or appointed staff member, will interview witnesses and take statements from those involved.

The Head teacher will endeavour to keep reasonable written records of meetings, telephone conversations and other documentation. Once all relevant facts have been established, the Head teacher will produce a written response to the complainant. The Head teacher may meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.

This will be completed in ten school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases, the Head teacher will write to the complainant giving a revised target date.

Schools will not pay financial compensation in response to complaints, though they may spend money on a relevant educational purpose (e.g. paying for a repeat examination).

If the complainant is not satisfied with the response and wishes to take the matter further, they may do so, by writing to the Company Secretary within three weeks of receiving the outcome letter (Phase 3).

COMPLAINTS AGAINST THE HEAD TEACHER, CEO, OR CHAIR OF GOVERNORS

If the complaint is wholly or mainly about the Head teacher, CEO or Chair of Governors, the complaint will be considered in accordance with Phase 3 of the procedure described below.

Before this takes place, the Chair of the Local Governing Body or the Chair of the Trust Board, as appropriate, will invite the Head teacher, CEO or Chair of Governors to respond to the complaint in writing within 10 school days.

The Local Governing Body or Trust Board Chair may ask the CEO of the Trust to investigate on his behalf, if he or she is not the subject of the complaint.

The Local Governing Body or Trust Board Chair will send a copy of the Head teacher's response to the complainant and s/he will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied, Phase 3 will begin as described below.

PHASE 3 – CONSIDERATION BY THE GOVERNING BODY

If the complainant decides to take the matter further, he or she will write to the Company Secretary, providing them with a copy of the Head teacher's response (if one has been given), and specifying what further action or outcome is desired. The Company Secretary will acknowledge receipt of the complaint and will write to the complainant to acknowledge the complaint within 5 school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Head teacher or CEO or Chair of Governors and the Chair of the Trust.

Investigating the Complaint

If the complaint has been investigated at Phase 2, the result of the investigation must be made available to the Company Secretary/Chair by the person carrying out the investigation. However:

- Where the complaint is against the Head teacher or CEO, the Company Secretary must decide, in consultation with the Chair of the Local Governing Body whether and how the complaint will be investigated and if the outcome desired is within the power of the Local Governing Body to procure, having regards to the authority of the Head teacher. If it is not, the Company Secretary shall inform the complainant, with an explanation of what further avenues of appeal are open by statute.
- If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

- If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 15 school days.
- If the outcome desired is within the power of the Local Governing Body to procure, the Company Secretary will also inform the Chair of the Governing Body and the Head teacher and convene a Panel Hearing (see below).
- Where the complaint is other than against the Head teacher or CEO, the Company Secretary, in consultation with the Head teacher and Chair of the Governing Body must decide if the desired outcome is within the power of the Governing Body to procure, having regard to the authority of the Head teacher and procedure.

The Panel will not normally substitute their judgement for that of the Head teacher on any matter which is clearly within the Head teacher's role to determine. The role of the appeals panel therefore will be to satisfy itself that the person making the decision:

- Informed themselves correctly about the rules which governed their decision.
- Called to their own attention all those matters they were bound to consider.
- Excluded from their own attention any matter that was irrelevant.
- Made a decision on the facts that was within the compass of decisions that a properly informed authority might take (ie was not wholly unreasonable or perverse).
- And that there was no allegation or evidence of malice or any other breach of the rules of natural justice.

Only if, at the first hearing, there is a doubt about any of the above, will the original decision be set aside and a new investigation take place. That process will start from phase 2.

Panel Hearing

If they decide to set up a hearing, the Panel will follow the procedure set out in the paragraphs below.

- The Company Secretary shall clerk the Panel.
- All Governors are eligible to serve on the panel except governors in the employ of the School, and any governor who has a personal interest or previous involvement in the matter.
- One member of the Panel shall be unconnected with the School. The composition of the Panel and its Chair will be determined by the Chair of the Local Governing Body. If the complaint is:
 - jointly about the Chair and Vice Chair or
 - the entire governing body or
 - the majority of the governing body

Stage 3 will be heard by the trustees and an independent panel member

- The Company Secretary will write to the complainant to explain how the review will be conducted. The letter will be copied to the Head teacher. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.
- The Company Secretary will inform members of the Panel of the date of the meeting, which will be convenient to the complainant and the Head teacher, as far as is reasonably possible. The complainant and Head teacher will be invited to attend. The notification will inform the complainant of their right to be accompanied by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the Panel.
- The Head teacher will also be invited to prepare a written report for the Panel in response to the complaint.
- The Company Secretary will ensure that all relevant correspondence about the complaint is sent to panel members, the complainant and the Head teacher before the meeting.
- If the Head teacher and/or the complainant wish to call witnesses, the agreement of the Chair of the Panel will be obtained in advance of the meeting.
- It is the responsibility of the Chair to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.
- The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. At the end of the meeting the Panel will decide what action to take or recommend.
- If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to

respond to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:

- The complainant to explain his or her complaint and the Head teacher to explain the reasons for his or her decision;
- The Head teacher to question the complainant about the complaint and the complainant to question the Head teacher;
- Panel members to question both the complainant and the Head teacher;
- Any party has the right to bring witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statement by the Head teacher and complainant.

The Chair of the Panel will explain to the complainant and the Head teacher that the Panel will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Head teacher and any witnesses will then leave.

The Panel will consider the complaint and all evidence presented and reach a unanimous, or at least a majority, decision. Where appropriate the Panel can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure problems of a similar nature do not happen again.

Governors will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

Within 15 days, the Company Secretary/Chair will send a written statement outlining the decision with reasons to both the complainant and to the Head teacher, and, where relevant, the person complained about.

The complainant will be advised that if they are dissatisfied with the response s/he has the right to take the matter further and will be provided with the details of the appropriate body in order to do this.

Phase 3 will be completed in 15 school days. However, it is recognised that this timetable is likely to prove impossible for complaints which are complex. In such cases the Company Secretary of the Panel will write to the complainant giving a revised target date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within <insert number> school days

CONFIDENTIALITY

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on each academy's ICT system. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a board conducting an inspection under section 109 of the 2008 Act requests access to them:

As data controllers, schools must ensure they comply with their obligations and responsibilities as outlined in the Freedom of Information Act 2000, the Data Protection Act 2018 and the UK GDPR.

MONITORING AND REPORTING

Trustees and governors will be informed about any formal complaints, and the outcomes of each investigation, at each of their meetings in the Head teacher/ CEO Report. The Local Governing Body will monitor the handling of complaints in accordance with the School's procedures.

REVIEW

The Trust will review the complaints procedure **every two years**.

All complaints will be recorded indicating whether resolved at primary stage or whether they proceeded to panel hearing.

FINAL COMPLAINT OUTSIDE SCHOOL

Following the action taken above, if the complainant still feels that the matter has not been resolved to their satisfaction and, after having exhausted Phases 2 and 3 of the School's complaints procedure, they will be advised to take their complaint to the Department for Education, or any other specific regulatory body.

The Role of the ESFA

If a complainant wishes to escalate a complaint, if a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA via their webpage or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2W

The ESFA will not overturn the trust or panel's decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the trust has:

- Breached a clause in its funding agreement.

- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the trust reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

UNREASONABLE COMPLAINTS

The Hart Schools Trust ('The Trust') is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

For the purposes of this policy, "unreasonable complaints" include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
 -
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information that the complainant expects to be taken into account and commented on, or raises many detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;

- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously; aggressively; using threats, intimidation or violence; using abusive, offensive or discriminatory language; knowing it to be false; using falsified information; publishing unacceptable information for example via social media and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Head teacher or Chair of Local Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the trust's position and their options
- The complainant contacts the trust or any of its academies repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the trust believes their intent is to disrupt or inconvenience the trust or its academies.

The trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

Barring From The School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head teacher or Chair of Local Governing Body or the Chair of the Hart Schools Trust Board. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints Campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, a standard, single response will be published on the trust's website.

If the trust receives a large number of complaints about the same subject from complainants who are connected to the trust, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the trust's response, they will be directed to the ESFA.

COMPLAINTS NOT IN THE SCOPE OF THE PROCEDURE

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

<i>Exceptions</i>	<i>Who to contact</i>
<ul style="list-style-type: none"> ■ Admissions to schools ■ Statutory assessments of Special Educational Needs (SEN) ■ School reorganisation proposals ■ Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised directly with local authorities (LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> ■ Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions .</p>
<ul style="list-style-type: none"> ■ Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> ■ Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> ■ Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p> <p>Complaints concerning assessment and accreditation are dealt with through appeals procedures set up with Awarding/Validating Bodies.</p> <p>Complaints from contractors will be dealt with as appropriate under the relevant contract terms.</p>

FURTHER INFORMATION & RESOURCES

- ESFA Guidance (2021): [Best practice guidance for academies complaints procedures](#)
- ESFA (2023) The Academy Trust Handbook

Policies: **Whistleblowing, Grievance Policy, Staff Disciplinary Procedure**

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed

- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints coordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.